

Remarks/Arguments:

Claims 1-10 are pending. Claims 1-10 stand rejected.

Claim 11 is newly added.

In order to continue prosecution of this application, applicants have now filed a Request for Continued Examination (RCE).

Section 102/103 Rejections:

Claim 1 has been rejected as either anticipated or obvious in view of Ferguson. Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Amended claim 1 now includes features which are not suggested by the cited reference, namely:

- **separately providing a detectable material on a surface or in an existing man-made structure** so that portions of the detectable material will be present in the failure(s) of the existing man-made structure that accentuates the failure,
- **the detectable material is separately applied, after forming the surface or the man-made structure.**

Basis for amended claim 1 may be found, for example, in FIGS. 6a and 6b, and as discussed in the specification at page 7, lines 5-16. Also, the specification at page 6, lines 16-19, discusses **applying detection chemical material or agent 40 onto road 42.**

Ferguson discloses a system for acquiring, analyzing and reporting data relating to a condition of a road in real time. The system captures an image of the pavement surface while the camera is moving relative to the surface. As set forth in column 6, Ferguson discloses a system that sets the exposure of a camera, based on a reflectivity of binder material in aggregate of road surfaces. The exposure of the camera may be adjusted.

Ferguson, however, does **not** suggest **separately providing a detectable material on a surface or in an existing man-made structure.** Furthermore, Ferguson does **not** suggest that **the detectable material is separately applied, after having formed the surface or the man-made structure.**

Newly Added Claim 11:

Claim 11 further limits claim 1 by reciting that step (a) includes

(i) forming the surface or the man-made structure at a fixed location, and

(ii) applying the detectable material, **after forming the surface or the man-made structure at the fixed location.**

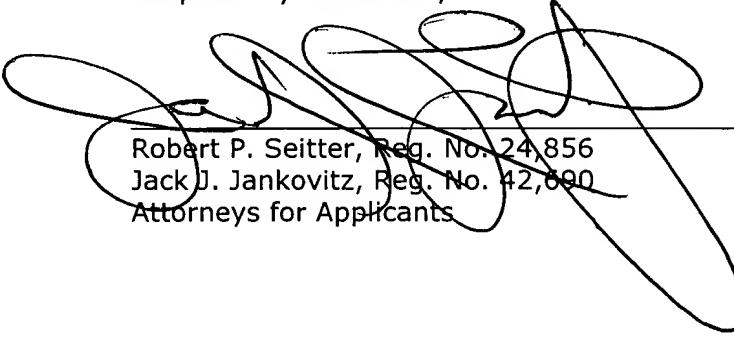
Claim 11 now explicitly requires that the invention first form the surface or the man-made structure at a fixed location and, then apply the detectable material on the surface or the man-made structure.

These features are not suggested by Ferguson.

Conclusion

Claims 1-11 are in condition for allowance.

Respectfully submitted,


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